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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,058	05/22/2006	Hendrik Adrianus Van Sprang	NL 031400	7593

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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PATEL, ASHOK

ART UNIT	PAPER NUMBER
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2889

MAIL DATE	DELIVERY MODE
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06/27/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/580,058	VAN SPRANG, HENDRIK ADRIANUS	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ashok Patel	2889	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

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1. The disclosure is objected to because of the following informalities: claim 6, last line: At the end a period (".") needs to be inserted. Appropriate correction is required.

2. As of the date of issuance of this office action, the USPTO is not in receipt of any IDS.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims are rejected under 35 U.S.C. 102(b) as being anticipated by Boonekamp et al (USPgPub 2002/0030426.

As to claims 1, 2, Boonekamp et al disclose applicant's claimed electric lamp (Figures 1A, 1B, 1C; col. Paragraphs 0010, 0013, 0014, 0035-0045; 0058 col. 6, Table II and claims) including: a light-transmitting lamp vessel (1; 11) in which a light source (2; 12) is arranged,

the electric lamp including a light-absorbing medium (6; 16) exhibiting a spectral transition in the visible range,

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the spectral transmission  $T$  of light transmitted by the light-absorbing medium (6; 16) changes from  $T \leq 0.15$  to  $T \geq 0.75$  in a wavelength range having a width  $\lambda 75 \leq \text{nm}$ ,

at least a part of the lamp vessel (1; 11) being provided with an interference film (5; 15),

characterized in that the maximum reflection  $R_{\text{max}}$  of the interference film (5; 15) lies in the range (see at least col. 0018, claim 3) that satisfies applicant's claimed range of  $0.50 \leq R_{\text{max}} \leq 0.90$  (i.e. a maximum reflection of 50% to 90%) and in that the variation in the reflection  $R$  of the interference film (5; 15) in the wavelength range from  $400 \leq \lambda \leq 690 \text{ nm}$  ranges from: (a) 0.0 (i.e. no variation of the reflection) to  $R_{\text{max}}$  (i.e. maximum variation of the reflection (see at least col. 0081-0085, claim 2), as claimed by applicant in claim 1; or (b) 0.2 (i.e. 20% variation of the reflection) to  $R_{\text{max}}$  (i.e. maximum variation of the reflection (see at least col. 0081-0085, claim 2), as claimed by applicant in claim 2).

As to claim 3, (as shown in Figures 1A, 1B and 1C, claim 4) Boonekamp et al disclose a wall of the lamp vessel including the light-absorbing medium.

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As to claim 4, (as shown in Figures 1A, 1B and 1C, claim 5) Boonekamp et al disclose the light-absorbing medium (6; 16) comprises a light-absorbing coating which is situated between the lamp vessel (ii) and the interference film (15).

As to claim 5, (as shown in Figures 1A, 1B and 1C, paragraph 0018, claim 10) Boonekamp et al disclose the electric lamp emits colored light, in operation, and has an at least substantially color-neutral appearance in the off state.

As to claim 6, (as shown in Figures 1A, 1B and 1C, paragraph 0023, claim 11) Boonekamp et al disclose the light-absorbing medium (6; 16) comprises an amber-colored or red-colored transmission

As to claim 7, (as shown in Figures 1A, 1B and 1C, paragraph 0039, claim 14) Boonekamp et al disclose the interference film (5; 15) comprises layers of alternately a first layer of a material having a comparatively high refractive index and a second layer of a material having a comparatively low refractive index.

As to claim 8, (as shown in Figures 1A, 1B and 1C, paragraph 0040, claim 15) Boonekamp et al disclose the second layer of the interference film (5; 15) comprises predominantly silicon oxide, and in that the first layer of the interference film (5) predominantly comprises a material whose refractive

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index is high in comparison with a refractive index of silicon oxide.

As to claims 9 and 10, (as shown in Figures 1A, 1B and 1C, paragraph 0041, claim 16) Boonekamp et al disclose the first layer of the interference film (5; 15) comprises a material selected from the group formed by titanium oxide, tantalum oxide, zirconium oxide, niobium oxide, hafnium oxide, silicon nitride and combinations of said materials.

As to claim 11, (as shown in Figures 1A, 1B and 1C, paragraph 42, claim 4) Boonekamp et al disclose the interference film comprises 3-5 layers.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boonekamp et al, as applied to claim 1.

As to claim 12, Boonekamp et al do not disclose the interference film including 3 layers, as claimed by applicant.

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Boonekamp et al however disclose the interference film including at least 5 layers.

Providing more or less number of interference layers would have been obvious to one of ordinary skill in the art since the number of layers and absorption of light, reflection of light or transmittance of light are interdependent.

In light of this, it would have been obvious to one of ordinary skill in the art to modify Boonekamp et al's electric lamp with less number of the interference layers, such as three layers, for obtaining the light with desired absorption, reflection or transmittance from the lamp.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok Patel whose telephone number is 571-272-2456. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minh-Toan Ton can be reached on 571-272-2303. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Ashok Patel/  
**Ashok Patel**  
**Primary Examiner**  
**Art Unit 2879**